

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.2056 OF 2005

Bhalchandra Khedekar and
Ors. ..Petitioners

Vs.

State of Maharashtra & Anr. ..Respondents

...
Mr.A.D.Gangal i/b Mr.R.V.Gangal Advocate for
Petitioners

Mr.J.S.Chauhan for Respondent no.2

Mr.B.H.Mehta,A.P.P. for the State

...

CORAM: SMT.V.K.TAHILRAMANI, J.
DATE : AUGUST 29, 2005

P.C.

1. Heard the learned advocate for the petitioners,
learned advocate for the respondent no.2-original
complainant and the learned A.P.P. for the State.

2. The petitioners are seeking quashing of process
issued by the learned Judicial Magistrate
F.C.Ulhasanagar in C.C.No.814/2003. In the said
case process was issued against the applicant under
Sections 465, 471, 420 and 468 r.w. 34 of IPC.

3. For the reasons recorded in my order dated 13th June, 2005 in W.P.No. 213 of 2005 and dated 21st June, 2005 in Cri.Application No.550 of 2005, I am of the opinion that the petitioners have an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the petitioners prefer a revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the petitioners to prefer the necessary revision before the concerned Sessions Court. The learned advocate for the petitioners makes a statement that the necessary revision will be preferred within three weeks from today. In view of this statement, the trial Court shall not proceed with the trial for a period of three weeks.

. The learned advocate for the respondent no.2-complainant fairly states that no objection will be raised in respect of delay in filing the revision.

5. On the necessary revision being preferred by the petitioners before the concerned Sessions Court, the concerned Sessions Court shall dispose of the matter on merits after hearing the necessary parties.

6. Writ Petition is disposed of.

7. Authenticated copies be issued to the parties.

[V.K.TAHILRAMANI, J.]